

### REMARKS

Initially, Applicants would like to express appreciation to the Examiner and the Examiner's supervisor for the courtesies extended during the recent in person interview conducted for this case on August 2, 2006. The amendments made by this paper are consistent with the proposals and amendments discussed during the interview and which were generally found to overcome the rejections of record.

In the non-final Office Action, mailed June 8, 2006, claims 1-38 were considered and rejected.<sup>1</sup> By this paper, claims 1, 19, 37 and 38 have been amended and new claim 39 has been added, such that claims 1-39 remain pending. Support for the claim amendments and new claim is drawn from the disclosure in the specification, including the disclosure found in paragraphs 6, 7, 8 and 24. This support was discussed and referenced during the interview.

As discussed during the interview, the claims are generally directed to embodiments for executing an interruption operation such as a pause or volume reducing operation on media content. Claim 1, for example, includes, automatically, and in response to an event associated with another device, executing an interruption operation such as a pause or volume reducing operation on media content. As further recited, the event triggering the interruption operation can include a telephone related event, the receipt of an email or detection that a viewer has left a viewing area.

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<sup>1</sup> Claims 1, 7, 10-11, 14-16, 19, 24, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels (US 2002/0032907). Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1/19 above, and further in view of McLaughlin (US 5,553,311). Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1/19 above, and further in view of Palmer (US 2001/0038690). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Palmer as applied to claim 3 above, and further in view of Wong (US 5,631,745). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1 above, and further in view of Goldman (US 4,995,074). Claim 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1/19 above, and further in view of Mizutome (US 6,943,845). Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1 above, and further in view of Tetsumura (5,793,409). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1 above, and further in view of O'Callaghan (US 5,594,492). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and O'Callaghan as applied to claim 12 above, and further in view of Jennings (US 2004/0025186). Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1 above, and further in view of Schindler (US 5,675,390). Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and Palmer as applied to claim 21 above, and further in view of Kilby (US 3,777,067). Claims 25, 28, 30-34, 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Yen (US 6,668,278). Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and Yen as applied to claim 25 above, and further in view of McLaughlin. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and Yen as applied to claim 25 above, and further in view of Mizutome (US 6,943,845). Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and Yen as applied to claim 25 above, and further in view of Block (US 6,675,384). Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels and Yen as applied to claim 25 above, and further in view of O'Callaghan. Although the prior art status of the cited art (other than Daniels and Mizutome) is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The only other independent claims at issue include claim 37, which is a computer program product claim corresponding to the method of claim 1, and claim 25, which is directed to a similar embodiment in which priority values are assigned to particular events for determining the interruption operation to execute.

As discussed during the interview, the cited art fails to teach or suggest the claimed embodiments, particularly when considering that the Daniels reference cannot be used as a prior art reference for obviousness. While Daniels was originally used to reject all of the claims, Daniels is now disqualified as a 103 obviousness reference because it only qualifies as prior art as a 102(e) reference and because it was commonly assigned to, or subject to an assignment to, the assignee of the present application at the time of the invention.<sup>2</sup> Accordingly, for at least these reasons, Daniels can no longer qualify as a valid reference for rejecting the claims of the present invention under 103 for obviousness. Furthermore, and as discussed during the invention, none of the claims are anticipated by Daniels, particularly as amended.

Applicants also note that Mizutome does not qualify as prior art inasmuch as the priority date of Mizutome is December 14, 2001, which is subsequent to the newly established priority date of the present application following Amendment A (the new priority date is at least May 5, 2001).

In view of the amendments to the claims, the disqualification of the cited art, and for at least the other reasons discussed during the interview, Applicants respectfully submit that the pending claims are now in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8<sup>th</sup> day of September, 2006.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant  
Customer No. 047973

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<sup>2</sup> 35 U.S.C. 103(c).